

ENTERED

April 13, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISIONORLANDA DEL CARMEN PEÑA
ARITA, et al.,

Plaintiffs,

VS.

UNITED STATES OF AMERICA, et al.,

Defendants.

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CIVIL ACTION NO. 7:19-cv-00288

ORDER

The Court now considers its earlier order which required Plaintiffs to properly serve process on two outstanding Defendants, Jose Galvan, III and Javier Vela, no later than March 26, 2020 and set a status conference for April 14, 2020.¹ The Court notes that, to date, no return of service has been filed for Jose Galvan, III or Javier Vela. Pursuant to Federal Rule of Civil Procedure 4(m), the Court **DISMISSES** Defendants Jose Galvan, III and Javier Vela from this case without prejudice.

The Court takes judicial notice of the proclamations and orders of various authorities recognizing the COVID-19 pandemic and limiting travel and person-to-person contact.² In light of the pandemic, the Court **CANCELS** the status conference scheduled for April 14, 2020.³ The

¹ Dkt. No. 141; *see also* Minute Entry (Feb. 25, 2020).


² *See* Proclamation No. 9994, 85 Fed. Reg. 15,337 (Mar. 13, 2020) (Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak); Tex. Exec. Order No. GA-14 (eff. Apr. 2, 2020) (Relating to statewide continuity of essential services and activities during the COVID-19 disaster); Hidalgo Cty., Tex., *Second Amended Emergency Order Instituting Subsequent Measures Due to a Public Health Emergency (20-003)* (eff. Apr. 7, 2020), <https://www.hidalgocounty.us/DocumentCenter/View/36983/04072020-Amended-Emergency-Order-20-003>; *Restrictions On Visitors To The McAllen U.S. Courthouse During The COVID-19 Pandemic*, Gen. Order No. M-2020-1 (Mar. 20, 2020), <https://www.txs.uscourts.gov/sites/txs/files/Special%20Order%20M-2020-1%20Restrictions%20on%20Visitors%20to%20McAllen%20During%20COVID-19.pdf>.

³ *See* Dkt. No. 141.

parties' "Joint, Unopposed Motion for Leave to Appear Telephonically"⁴ is **DENIED AS MOOT**. The Court sets a status conference for **Tuesday, June 30, 2020 at 9:00 a.m.** to discuss the status of discovery in this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 13th day of April 2020.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge

⁴ Dkt. No. 147.